

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

MAY 27 2003

Michael N. Milby, Clerk of Court

IN RE ENRON CORP. SECURITIES,	§	
DERIVATIVE & "ERISA" LITIGATION	§	MDL 1446
	§	
	§	CA H-01-3624
MARK NEWBY, et al., vs.	§	AND CONSOLIDATED CASES
ENRON CORP., et al.	§	
	§	
	§	CA H-01-3913
PAMELA M. TITTLE, et al. vs.	§	AND CONSOLIDATED CASES
ENRON CORP., et al.	§	

**MOTION OF CITRUS CORP. AND NORTHERN BORDER PARTNERS, L.P.  
FOR PROTECTIVE ORDER**

Pursuant to Rule 26(c), Fed. R. Civ. P., and the directives of this Court given in prior orders entered December 19, 2002 and March 28, 2003, non-parties Citrus Corp. and Northern Border Partners, L.P. move for Protective Order.

A memorandum in support of this motion accompanies the motion.

A proposed order granting the relief requested accompanies this motion.

**CERTIFICATE OF CONFERENCE**

The undersigned counsel certify as follows:

While this motion involves discovery, and the Court by its procedures admonishes the parties to reach agreement as to protective orders, the Court "may not rubber stamp a stipulation to seal the record." *Citizens First National Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7<sup>th</sup> Cir. 1999). For this reason, the Court's prior orders contemplate the filing of Rule 26(c) motions by affected persons.

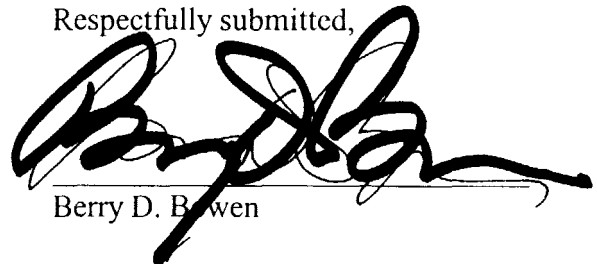
1439

Counsel for Movants were engaged on Tuesday May 20, 2003. On Thursday, May 22, 2003, Bradley Westmoreland, counsel for Movants, conversed with John Strasburg and Scarlet Collings representing Enron Corp. On Friday, May 23, 2003, Berry Bowen and Bradley Westmoreland had a telephone conference in Houston, Texas at 2:30 p.m. with Robert C. Vote and at 3:00 p.m. with Scarlet Collings, attorneys for Enron Corp. Based on these conversations, Movants, who are not parties to the case, deemed it imprudent to attempt to inject themselves between representatives for Enron Corp. and representatives of the Plaintiffs concerning agreements being negotiated on how to proceed under the Court's March 28, 2003 Order. At 11:45 a.m. on May 27, 2003, a further conference with Scarlet Collings was held where Enron stated that an understanding existed between Plaintiffs (through their counsel, Paul Howse) and Enron Corp. that the "presumptively confidential" designation based on the LexSolutio searches of the document databases run to date would be satisfactory, subject to further discussion among the parties on the mechanics of addressing particular challenges to particular documents.

**PRAYER**

WHEREFORE, premises considered, Movants respectfully request and pray that they be granted the relief set forth in the accompanying proposed Order.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Berry D. Bowen", written over a horizontal line.

Berry D. Bowen

S.B.N. 02721050  
S.D. Tex. No. 6177  
3014 Brazos St.  
Houston, Texas 77006  
(713) 521-3525  
(713) 521-3575 - facsimile  
**bdbowen@swbell.net** (E-mail)

ATTORNEY IN CHARGE FOR  
MOVANTS CITRUS CORP. AND  
NORTHERN BORDER PARTNERS, L.P.

and

Bradley Westmoreland  
S.B.N. 21227500  
S.D. Tex. No. 3915  
4544 Post Oak Place, Suite 350  
Houston, Texas 77027  
(713) 237-0222  
(713) 237-0401 - facsimile  
**bwestmore@aol.com** (E-mail)

OF COUNSEL FOR MOVANTS  
CITRUS CORP. AND NORTHERN  
BORDER PARTNERS, L.P.

### **CERTIFICATE OF SERVICE**

Pursuant to Rule 5(d), Fed. R. Civ. P., I hereby certify that the foregoing motion has been served pursuant to Rule 5(b), Fed. R. Civ. P., addressed as follows:

William S. Lerach, Esq.  
Milberg Weiss, et al.  
401 B. Street, Suite 1700  
San Diego, California 92101

Counsel for *Newby* Plaintiffs

Lynn Lincoln Sarko, Esq.  
Keller Rohrback, L.L.P.  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052

Counsel for *Tittle* Plaintiffs

David H. Donaldson, Jr., Esq.  
George & Donaldson, L.L.P.  
114 West 7<sup>th</sup> Street, Suite 1100  
Austin, Texas 78701

Attorney-in-Charge for Media Intervenors

Scott D. Lassetter, Esq.  
700 Louisiana Street, Suite 1600  
Houston, Texas 77002

Attorney-in-Charge for Defendant Enron Corp.



Berry D. Bowen